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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 14-00175 TEH
)	
Plaintiff,)	JOINT APPLICATION FOR PROTECTIVE
)	ORDER REGARDING CERTAIN PHMSA AND
v.)	NTSB MATERIALS; PROPOSED ORDER
)	
PACIFIC GAS AND ELECTRIC COMPANY,)	
)	
Defendant.)	

APPLICATION

The parties in the above-captioned case jointly submit this application for a Protective Order regarding the documents produced on April 8, 2016, which the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the National Transportation Safety Board (NTSB) have previously withheld as privileged material. In entering this order, PHMSA and the NTSB do not waive any of the privileges asserted over these documents as delineated in privilege logs.

1 The parties agree and request that the Court order that:

- 2 (1) These materials may be viewed only by outside PG&E counsel, specifically Latham &
3 Watkins LLP and Clarence Dyer & Cohen LLP;
- 4 (2) These materials may be used only in connection with the defense of this criminal case; and
- 5 (3) In the event that the defense finds it necessary to file copies of these materials, the parties
6 agree and request that this Court order such action to be made under seal;
- 7 (4) In the event that the defense deems it necessary to disclose the contents of these materials at
8 trial, then it will disclose any such materials to the Court under seal, and the holder of the
9 privilege will have an opportunity to respond prior to disclosure at trial.

10
11 SO STIPULATED.

12 DATED: April 8, 2016

BRIAN J. STRETCH
United States Attorney

13 /s
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HALLIE M. HOFFMAN
Assistant United States Attorney

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17 DATED: April 8, 2016

/s

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NICOLE VALCO
Counsel for Defendant PG&E

~~PROPOSED~~ ORDER

Based upon the above application, and for good cause appearing, IT IS HEREBY ORDERED that the production of documents on April 8, 2016, which PHMSA and the NTSB have previously withheld as privileged material, shall be governed by this Protective Order. IT IS FURTHER ORDERED that these materials may be viewed only by outside PG&E counsel, specifically Latham & Watkins LLP and Clarence Dyer & Cohen LLP, and that outside PG&E counsel may use these materials only in connection with the defense of this criminal case. IT IS FURTHER ORDERED that, in the event outside PG&E counsel finds it necessary to file copies of these materials such action shall be made under seal. IT IS FURTHER ORDERED that, in the event that the defense deems it necessary to disclose the contents of these materials, then it will disclose any such materials to the Court under seal, and the holder of the privilege will have an opportunity to respond prior to disclosure at trial.

IT IS SO ORDERED.

DATED: April 11, 2016



HON. MARIA-ELENA JAMES
United States Magistrate Judge